

**UNITED STATES DISTRICT COURT**

*for*

**MIDDLE DISTRICT OF GEORGIA - COLUMBUS**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

**Name of Offender:** Mary R. Mills

**Case Number:** 4:09-MJ-250-001

**Name of Sentencing Judicial Officer:** United States Magistrate Judge G. Mallon Faircloth

**Date of Original Sentence:** November 19, 2009

**Original Offense:** Theft - 18 U.S.C. § 641

**Original Sentence:** Twelve mos. probation; \$25.00 special assessment (\$25.00 balance); \$25.00 processing fee (\$25.00 balance); \$350.00 fine (\$350.00 balance)

**Type of Supervision:** Probation

**Date Supervision Commenced:** November 19, 2009

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

The defendant shall pay the entire balance of the monetary obligation at the rate of no less than \$60.00 per month, due by the third day of each month beginning in March 2010. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the United States Attorney. The defendant shall cooperate fully with the United States Attorney and the United States Probation Office to make payment in full as soon as possible.

The defendant has waived her right to a hearing and counsel.

## CAUSE

The Fifth Circuit concluded it was not permissible for the Court to delegate to the United States Probation Office the authority to establish a payment schedule for any court-ordered financial obligations. *United States v. Albro*, 32 F.3d 173 (5<sup>th</sup> Cir.1994).

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	The defendant violated the Mandatory Condition which requires the defendant to pay the fine in accordance with the Schedule of Payments sheet of the judgment; in that on or about February 19, 2010, the defendant had not paid any monies toward the \$400.00 monetary penalty balance owed to the Court as directed by the judgement.
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The defendant will have the balance paid in full prior to the end of supervision if she complies with the \$60.00 a month payment schedule.

Approved by:

*LaDonna J. Reyna*

LA DONNA JACKSON REYNA  
Supervising U.S. Probation Officer

Respectfully submitted,

*Susan Moore*

SUSAN MOORE  
U.S. Probation Officer  
Date: April 14, 2010

THE COURT ORDERS:

- No action
- The modification of conditions as noted above
- Other

*G. Mallon Faircloth*  
G. MALLON FAIRCLOTH  
U.S. Magistrate Judge

*5/7/10*  
Date